

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.:	10/733,025	§	Confirmation No.:	7501
Applicant:	Timothy A. Hazzard	§		
Filed:	12/09/2003	§		
TC/A.U.:	3627	§		
Examiner:	Ramsey Refai	§		
Title:	PROVIDING ACCESS	§		
	TO A SERVICE USING	§		
	A SERVICE ENGINE	§		
Docket No.:	200901493-1	§		
	(HPC.0919US)	§		

Mail Stop Appeal Brief-Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

The following sets forth Appellant's Reply to the Examiner's Answer dated September 1, 2010.

A. REPLY TO EXAMINER'S ANSWER REGARDING THE § 103 REJECTION OF CLAIMS 1, 4-7, 10-12, 19 OVER TEPEL IN VIEW OF GRABELSKY

The Examiner's Answer mischaracterized Appellant's arguments as being an argument that "there is no suggestion to combine the references." Examiner's Answer at 7. Rather, the Appellant's arguments are based on the holding of *KSR International Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741, 82 U.S.P.Q.2d 1385 (2007). As explained in the Appeal Brief, it is the Final Office Action that has used the incorrect analysis in rendering the rejection, resorting to using impermissible hindsight to piece together unrelated reference teachings that clearly would not have led to the claimed subject matter.

The Examiner conceded that Teper fails to disclose the following elements of claim 1:

receiving, from the user system, a user-specified search value of a search variable directed to a feature indicating a type of software application of at least one service of the services;

querying, by at least one processor, the directory of the plurality of services according to the search value; and

identifying, by the at least one processor, a subset of the services of the directory according to the search value.

Examiner's Answer at 7. Instead, the Examiner cited Grabelsky as purportedly disclosing the claimed subject matter conceded to be missing from Teper.

The issue addressed by Grabelsky is in the context of receiving a **call-session request** that includes a **partial destination identifier** that is insufficient to fully define a desired destination identifier, where the destination identifier is used for establishing an IP telephony call session using SIP messages. Grabelsky, 1:12-53. The call-session request described in Grabelsky can include a search term that indicates additional information relating to the partial destination identifier. *Id.*, 1:65-2:3. However, identifying a correct destination identifier based on a partial destination identifier and based on a search term, as taught by Grabelsky, has nothing to do with the claimed subject matter or the teachings of Teper. Claim 1 specifically recites to receiving a user-specified search value of a search variable directed to a feature indicating the **type of software application** of at least one service of the services. Looking up a destination identifier to complete a telephony call session, as taught by Grabelsky, is simply irrelevant to the claimed subject matter.

In fact, the Examiner conceded that **both** Teper and Grabelsky fail to disclose receiving a user-specified search value of a search variable directed to a feature indicating a type of software application of at least one service of the services. Examiner's Answer at 8. Thus, according to this concession of the Examiner, both Teper and Grabelsky fail to disclose querying the directory

of the plurality of services according to **the** search value, and identifying a subset of the services of the directory according to **the** search value.

Nevertheless, the Examiner argued that the subject matter of claim 1 would be obvious to a person of ordinary skill in the art based on a modification of Teper and Grabelsky to include the claimed subject matter missing from both these references, since doing so “would allow the system to identify a subset of the directory based on the software application desired.” *Id.* The Examiner argued that the purported combination would have yielded nothing more than predictable results. *Id.*

It is clear that the rejection made in the Examiner is based on speculation and impermissible hindsight. None of the references provide any hint whatsoever of receiving a user-specified **search value** of a search variable directed to a feature indicating a **type of software application**, and then performing querying and identifying based on **such search value**. The only basis for the proposed modification of Teper and Grabelsky made by the Examiner is the teaching of the invention itself. Without the teaching of the invention, a person of ordinary skill in the art would have found absolutely no reason to modify Teper and Grabelsky to achieve the claimed invention. Specifically, Grabelsky relates to identifying a complete destination identifier based on a partial destination identifier so that a call session can be established, which is completely unrelated to the subject matter of claim 1.

Except for a conclusory remark made in the rejection, the Examiner has not explained how completing a destination identifier based on a partial destination identifier for establishing a call session, as taught by Grabelsky, has anything to do with receiving a user-specified search value of a search variable directed to a feature indicating a type of software application of at least one service of the services (where the services comprise use of corresponding software

applications), querying the directory of the plurality of services according to the search value of the search variable directed to a feature indicating a type of software application, and identifying a subset of the services of the directory according to such search value.

In view of the foregoing, it is clear that the obviousness rejection over Teper and Grabelsky violates the requirement of *KSR* that it is important to identify a reason that would have prompted a person of ordinary skill in the art to combine reference teachings in the manner that the claimed invention does. *KSR*, 127 S. Ct. 1741. In the present case, there is absolutely no relationship whatsoever between completing a destination identifier based on a partial destination identifier to establish a call session, as taught by Grabelsky, and the claimed subject matter, which relates to identifying a subset of services (that comprise corresponding software applications) according to a search value of a search variable directed to a feature indicating a type of software application of at least one service of the services.

Therefore, it is respectfully submitted that the obviousness rejection of claim 1 is defective since no reason existed that would have prompted a person of ordinary skill in the art to combine the teachings of Teper and Grabelsky to achieve the claimed subject matter. Moreover, it is clear that even if Teper and Grabelsky could be hypothetically combined, the hypothetical combination of references would not have disclosed or hinted at the claimed subject matter.

In view of the foregoing and in view of the arguments presented in the Appeal Brief, it is clear that the obviousness rejection of the foregoing claims is erroneous.

B. CONCLUSION

The remaining arguments presented in the Examiner's Answer have already been addressed in the Appeal Brief. In view of the foregoing, and in view of the arguments presented in the Appeal Brief, reversal of all final rejections is respectfully requested.

Respectfully submitted,

Date: November 1, 2010

/Dan C. Hu/
Dan C. Hu
Registration No. 40,025
TROP, PRUNER & HU, P.C.
1616 South Voss Road, Suite 750
Houston, TX 77057-2631
Telephone: (713) 468-8880
Facsimile: (713) 468-8883